IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 127 OF 2005

Shankar Laxman Gavade and ors. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents.

Mr. Yogesh A. Mankavale, instructed by Mr. K.C. Shirguppe, for the petitioners.

Mr. P.M. Patil, Assistant Government Pleader, for respondents.

CORAM: **KSHITIJ R. VYAS, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **MARCH 22, 2006**.

P.C.

By this Public Interest Litigation under Article 226 of the Constitution of India, the petitioners seek directions to respondent No.1 for grant of compensation of Rs. 50,000/- per acre to the farmers of Shirol Taluka whose sugarcane crops were destroyed in man-made flood of Krishna and Panchaganga rivers in the month of July, 2005.

2. The Tahsildar of Shirol Taluka Shri Ashok Khemaji Kambale has filed an affidavit in reply on behalf of respondents giving

details about the situation of Shirol Taluka, location of rivers, average rainfall in the area in the months of July and August, 2005 and the cropwise details of the damage caused due to the unprecedented rain in those months resulting in logging of flood water for about 15-16 days. It has been pointed out that the Government vide its Resolution dated 16th September, 2005 declared Rs.10,000/- per hectare as assistance for crops damaged by flood or heavy rainfall. Since the Government has taken policy decision, taking into consideration the aforesaid details stated in the affidavit, to provide financial assistance of Rs.10,000/- per hectare as assistance for crops damaged, it is neither desirable nor proper for this Court to express any contrary opinion by directing the State Government to accept the prayers made by the petitioners in the present petition. Apart from that, the petitioners have not made out any case to interfere on the policy decision about the quantum fixed by the State Government for the crops damaged.

3. We, however, reserve liberty to the petitioners to make appropriate representation to the respondents with necessary materials. As and when such representation is made, the respondents shall consider the same as per the prevailing policy, without being influenced

by this order.

4. With this direction, the petition stands disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.